

**ENVIRONMENTAL FEDERALISM
AND U.S. MILITARY INSTALLATIONS:
A FRAMEWORK FOR COMPLIANCE**

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FOREWORD

Environmental security issues have emerged as one of the most important non-traditional security concerns of the post-Cold War era. This paper traces the development of the increasingly complex and stringent environmental standards found in the United States. It then focuses on how the U.S. military can best comply with these standards at *both* the national and state levels. Dr Smith finds that many of the most important environmental compliance issues for the U.S. military have devolved from the national to the state level. He uses case studies and an environmental capacity/motivation model developed by James Lester to categorize and predict state environmental policies. Dr Smith argues that the military must take environmental federalism into account in order to craft successful compliance strategies and organizations.

INSS is pleased to publish this second *INSS Occasional Paper* in the Institute's environmental security series, with funding from the Army Environmental Policy Institute located at the Georgia Institute of Technology. This paper should be very useful and interesting to all who deal with environmental compliance issues.

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EXECUTIVE SUMMARY

Recent regulatory trends and political decisions have resulted in devolution of environmental regulation responsibility from the federal government to the states. The resulting compliance situation for the military is one of multiple bureaucracies, layered regulations, duplicated reporting requirements, and conflicting mission priorities, all in a "business" in which there is an inherent potential for significant environmental damage. The military official charged with environmental compliance is responding to many masters and pressures. This paper suggests a compliance strategy and organization to respond to environmental devolution and federalism.

The context of environmental regulation policy today is incremental (progressing with advances in science and politics through a series of increasingly broad regulatory requirements); fragmented (between pollution mediums—air, water, waste—and between executive agencies, legislative committees, courts, interest groups, and state agencies); and federal (with national, state, and local governments sharing responsibilities for environmental standards and enforcement).

Empirical studies of state regulatory policy find that political factors, such as party control of the governorship and the legislature, bureaucratic capability, and recent changes in state population, best explain state actions. Economic factors (state wealth and competition with other states, the economic significance of the polluting industries) are also important influences. Overall, state environmental policy can be explained by the severity of the state's pollution problem, the wealth of the state's population, the partisanship of state politics, and the organizational capacity of the state government.

Attempts to specify an integrated model of state policy actions are of mixed utility, but a model by James Lester that focuses on state bureaucratic capacity and environmental motivation appears to have utility for predicting state enforcement on military installations. Field interviews at military bases

in four states (California, Colorado, Oklahoma, and Wyoming), each representing one of Lester's four policy making and enforcement categories, demonstrate that the model is highly accurate in characterizing state actions.

Since environmental federalism is here to stay, military environmental managers should devise a compliance strategy which adapts to local demands while also ensuring continuing mission accomplishment. Armed with current knowledge of state motivation and capacity for environmental regulation, the strategy must incorporate continuity, coherence, and communications. Continuity is essential in the face of incremental environmental policy changes, coherence helps bridge the fragmented policies and organizations that characterize environmental enforcement today, and communications are needed to help state regulators understand the unique demands of the military mission while also keeping base environmental managers informed of state concerns.

As environmental regulation is characterized by layered federal and state regulations increasingly enforced by the states, a state-centered compliance strategy might best be implemented by a military structure built around the principle of centralized control and decentralized execution. Service commands are not generally helpful as intermediaries between base and service officials and should be removed from the environmental chain of command. Total centralization of bases under service headquarters would limit the local adaptability needed in today's decentralized situation. Conversely, total decentralization to the base level, while consistent with the management structure chosen by the National Park Service, is inconsistent with military culture and tradition. With national standards and state enforcement, a mix of national input adapted to fit local base conditions would best combine coherence with adaptability.

Finally, continuity in local base management is also essential. Base-level environmental managers must have tenure to lend the continuity and coherence which the strategy calls for. Military tour extension or reliance on civilian personnel in these positions would seem to be indicated. Research

also indicates that state and local regulators tend to lump all military installations into one category, so tenured base managers must communicate with each other to learn of issues and precedents which may affect them.

The states will continue to sit at the center of American environmental regulation. Knowing what drives state policy and action, understanding how one's state combines motivation and capacity to determine its particular enforcement, and adapting national direction to form a continuous, coherent base compliance strategy will allow bases to complete their military missions within environmental constraints. All of this requires constant monitoring, analysis, adaptation, and communication. Bases carry out national policy mandates, but they are also tenants within state environments. They must adapt to both sets of demands.

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